GOVERNMENT OF INDIA
LAW AND JUSTICE
LOK SABHA

STARRED QUESTION NO:220
ANSWERED ON:30.11.2016
Selection of Retired Judges
George Shri (Adv.) Joice;Verma Smt. Rekha Arun

Will the Minister of LAW AND JUSTICE be pleased to state:

(a) the status of pending cases in Supreme Court, High Court and Subordinate courts;
(b) whether the Government is contemplating to appoint judges on contract basis to expedite the process of providing justice in the country and if so, the details thereof;
(c) whether the Government proposes to avail the services of retired judges to dispose of pending cases in various courts and if so, the details thereof along with criteria followed for selection of retired judges and their salary structure, etc.; and
(d) the time by which these selections are likely to be completed?

Answer

ANSWER

MINISTER OF LAW AND JUSTICE AND ELECTRONICS AND INFORMATION TECHNOLOGY
(SHRI RAVI SHANKAR PRASAD)

(a) to (d): A Statement is laid on the Table of the House.

STATEMENT REFERRED TO IN REPLY TO PARTS (a) TO (d) of LOK SABHA STARRED QUESTION NO. *220 FOR ANSWER ON 30TH NOVEMBER, 2016.

(a) to (d) : The data on pendency of cases is maintained by Supreme Court and High Courts. As per the information available, 61,700 matters were pending in the Supreme Court as on 23.11.2016. As per information furnished by High Courts, 38.70 lakh cases were pending in the High Courts, and 2.70 crore cases were pending in District and Subordinate Courts as on 31.12.2015.

Additional and Acting Judges in High Courts are appointed under Article 224(1) of the Constitution for a period not exceeding two years to look after any temporary business of High Courts or arrears of work in various High Courts.

The provision of appointment of retired Judges as sitting Judges of the High Courts and their allowances is under Article 224-A of the Constitution. Article 128 mentions the provision of attendance of retired Judges at sittings of Supreme Court and their allowances.

Total 18 proposals have been received from the High Courts of Telengana and Andhra Pradesh, Madhya Pradesh, Allahabad and Calcutta for appointment of retired Judges at sittings of the High Courts under Article 224A of the Constitution. The filling up of vacancies in the High Courts is a continuous and collaborative process of Judiciary and Executive, involving various Constitutional Authorities. The process of appointment of retired Judges in the Supreme Court and High Courts are prescribed in the Memorandum of Procedure (MoP) for Appointment of Judges of the Supreme Court and Memorandum of Procedure (MoP) for Appointment of Judges of the High Courts, respectively. Time line of appointment is also prescribed in the MoP.

The subject matter relating to filling up of vacancies in the District and Subordinate Courts falls with the domain of the High Courts and the State Governments concerned. The Central Government has no role in appointment of Subordinate Judiciary.